

**INFORMATION SHEET FOR *RESPONSIVE DECLARATION TO APPLICATION
TO SET ASIDE VOLUNTARY DECLARATION OF PATERNITY*
(Form 1296.78)**

(Do NOT deliver this Information Sheet to the court clerk.)

If you do not have an attorney representing you, please follow these instructions to complete the *Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity* (form 1296.78). However, if you do have an attorney representing you, he or she should complete this form. If you are receiving services from the district attorney or other local child support agency, you should contact them right away.

You must file the completed *Responsive Declaration* form and attachments (if any) with the court clerk 10 court days before the hearing date stated in paragraph 1 of the *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* (form 1296.77). The address of the court clerk is the same as the one shown on the *Request*. **You may have to pay a filing fee. If you cannot afford to pay the filing fee, contact the court clerk. Keep two copies of the filed *Responsive Declaration*. Serve one copy on the other person who signed the voluntary declaration of paternity. Someone other than you, who is at least 18 years old, must serve the other party. Keep the second copy for your records. Be sure to file your *Proof of Service* with the court clerk. The *Information Sheet for Service of Process* (form 1299.05) explains what you must do to serve your *Responsive Declaration*.**

INSTRUCTIONS FOR COMPLETING THE *RESPONSIVE DECLARATION TO APPLICATION TO SET ASIDE VOLUNTARY DECLARATION OF PATERNITY* (TYPE OR PRINT IN INK):

First box, top of form, left side: Print your name, address, telephone number, and fax number, if any, in this box.

Second box, left side: Print the same address for the court that is on the *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* (form 1296.77).

Third box, left side: Print the names of the Petitioner and Respondent in this box. Use the same names listed on the *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* (form 1296.77).

First box, top of form, right side: Leave this box blank for the court to use.

Second box, right side: Print the same case number shown on the *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* (form 1296.77).

Instructions for numbered paragraphs:

1. Check this box if you agree that the voluntary declaration of paternity should be set aside. If the court grants the request, the court will require both of the persons who signed the voluntary declaration of paternity and the child to submit to genetic tests to determine the child's parentage.
2. Check this box if you do not want the voluntary declaration of paternity to be set aside.
3. You must fully explain either the reasons you agree to the set aside of the voluntary declaration of paternity or the reasons that you do not want the voluntary declaration of paternity to be set aside. If you need additional space, you may attach additional sheets of paper. Check the box if you are attaching a declaration or additional sheets explaining the reasons that you agree or do not agree to the set aside of the voluntary declaration of paternity.

You must date the form, print your name, and sign the form under penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

If you need additional assistance with this form, contact the family law facilitator in your county.